

# PLANNING BRIEFS

*Amherst, Massachusetts*

PUBLISHED BY THE AMHERST PLANNING DEPARTMENT

WINTER 2008

## AMHERST'S MASTER PLAN: WHERE ARE WE?

Following completion of the Planning Amherst Together process, on November 5, 2008, the Comprehensive Planning Committee presented the completed draft Master Plan to the Amherst Planning Board. The Planning Board held a public forum on Wednesday, December 10 to solicit initial public input on the draft Plan.

The Board will use that public input to inform and shape its own approach to completing and adopting the Plan. One of the priority actions recommended in the Plan is the need to comprehensively reconsider Amherst's zoning and development regulations. To accomplish this, the Priority Implementation section of the Plan recommends the following community planning steps:

1. Complete the comprehensive inventory and evaluation of lands, resources, services, and facilities in Amherst under each element of this Plan, to provide a responsible basis for future planning and public decision-making.
2. Conduct a public process using the completed inventory and evaluations, to determine and map the following general categories of geographic areas in Amherst:
  - **Areas to Protect** – Areas dominated by critical community resources (environmental, historic, cultural, etc.) requiring significant protections from development.
  - **Areas to Develop** – Areas available and suitable for infill, redevelopment, and/or more intensive new development for housing, commercial activity, public facilities and infrastructure.
  - **Areas of Compromise** – Areas that include a closely-woven mixture of critical resources and developable lands, so that meeting the community's urgent needs for both preservation and development will require a carefully planned approach of balance and compromise.

As a result of contention during the master planning process, this critical element of the community planning process was cut short. The Planning Board will determine how to best approach this process. For example, there might be a series of neighborhood groups established to help the board examine specific areas of Amherst and plan their future development. In addition, the Planning Board may request that the 2009 Annual Town Meeting appropriate capital funds for consultant assistance in completing the process and drafting a new comprehensive development code for Amherst.

## VILLAGE CENTER CONCEPT

A public purpose underlying the zoning amendments presented at the fall 2008 Special Town Meeting has a long history in Amherst, and is often referred to as 'the village center concept'.

Amherst has focused its new development into settled centers since 1728, when outlying houses were first built in the East District of the Hadley plantation. The historic New England settlement patterns of the next 150 years produced densely-settled village centers separated by large open stretches of farmland, forest and wetlands, and connected by roadways.

In response to the growth of UMass in the 1960's and 1970's, the 1973 SCOG Report identified five villages to accommodate future community growth. In a 1990 Report to Town Meeting, the Planning Board advised focusing housing and other development in the village centers where infrastructure exists and near goods, services, and public transportation.

In 2006, Amherst embarked on Planning Amherst Together—a community master planning process. On November 5, 2008, the draft Master Plan was submitted to the Planning Board for review and adoption. The draft Plan strongly emphasizes the need to direct new residential development to existing village centers and neighborhoods, through sensitive infill and redevelopment, but also acknowledges the balanced need to carefully expand village centers and accommodate some appropriate new development in outlying areas. New zoning coordinated with other development control revisions will be needed to make these intentions real.

Examples of village center implementation and planning can be seen throughout the town and will be highlighted in the articles to come.

## INSIDE THIS ISSUE

Amherst Master Plan	Page 1
Village Center Concept	Page 1
Spring Street & Lord Jeffrey Rezoning	Page 2
Comprehensive Development Code	Page 3
Staff Spotlight	Page 2
Board & Staff News	Page 4
Contact Information	Page 4

## SPRING STREET REZONING AND THE LORD JEFFREY INN

In mid 2007, in response to a request by the Town Manager, the Planning Board proposed to expand the downtown General Business (B-G) District to include both sides of Spring Street between Boltwood Avenue and Churchill Street. This included the Lord Jeffrey Inn and part of the Town Common. This rezoning would allow for creative redevelopment of the existing older structures and would streamline the permitting process for Inns (defined as lodging facilities located in building 75 years or older), changing the permit requirement from a discretionary Special Permit to a by-right Site plan review approval. The proposal coincided with, and would help facilitate, expansion plans by the Lord Jeffrey Inn.

The Finance Committee unanimously recommended that the 2007 Fall Town Meeting adopt these amendments. The Spring Street area is appropriate for economic development and, although the Inn is owned by Amherst College, it is a tax-generating business use. The Finance Committee also emphasized that economic development is “one of the few revenue generating components of the [financial] plan totally within the Town’s control” (Finance Committee Report, 11/05/2007).



In November, 2007, Town Meeting voted to amend the Zoning Bylaw to allow Inns in the General Business district to be established under Site Plan Review by the Planning Board. The Official Zoning Map was amended to change the zoning designation of this section of Spring Street from General Residence (R-G) to General Business (B-G) (as seen in the picture above) in order to take advantage of the new permitting procedures.

Town Meeting, however, defeated a proposal to change the permitting requirement for Hotel/Motel from Special Permit to Site Plan Review, responding to concerns from some members of the Zoning Board of Appeals and others who felt that Hotels/Motels could involve extensive new construction and so needed a Special Permit process to ensure strong public oversight on a projects that might significantly impact residential neighborhoods and abutting uses.

Under Amherst’s Zoning Bylaw, the permitting process, public notice & hearing requirements, and permitting timeline are essentially the same for applications for Special Permits or Site Plan Review. The two differ in that the by-right Site Plan Review approval presumes that the proposed use is a normal and expected use in the zoning district where it is being proposed. Under Site Plan Review, the Planning Board has the authority to review and condition architectural elements, landscaping and site design, and can impose conditions on a site’s management plan, but the Board cannot deny the permit unless it violates aspects of the zoning regulations.

A Special Permit, on the other hand, is discretionary, and in law presumes that the use is somehow “special” —unusual or potentially undesirable—in the zoning district where it is being proposed. Under a Special Permit, the permit-granting authority (which can be either the Zoning Board of Appeals or the Planning Board) has the ability to deny a proposed use outright, or can impose conditions on the site and management of the use.

The Spring Street rezoning will facilitate the expansion of the Lord Jeffrey Inn, a project Amherst College had been exploring for two years. The project has been slowed by the economic downturn, but site work proceeds. The rezoning increases the potential for (but does not ensure) adaptive reuse of the vacant historic Gothic Revival residence at 26 Spring Street owned by the Pacific Lodge of Masons. The Masons originally wanted to convert the building to a parking lot. After that use did not meet zoning requirements, affordable housing options were examined but determined to be financially unfeasible. The Masons applied for a demolition permit and then waited until a demolition delay imposed by the Historical Commission had lapsed. The Masons now have the right to demolish this historic structure, but have deferred any action in order to see what opportunities would arise as a result of the rezoning.

The Spring Street rezoning is one step which can help ensure the economic vitality of Amherst’s town center and encourage adaptive reuse of historic structures. By allowing older structures to more easily be converted to Inns, the rezoning will help attract appropriate uses that maintain the scale and character of buildings in Amherst’s town center.

***“A Man of Knowledge, like a rich soil, Feeds If not of corn, a world of weeds.”  
-Benjamin Franklin, Poor Richard Almanac***

## A COMPREHENSIVE DEVELOPMENT CODE

One of the most commonly-repeated themes of Amherst's draft Master Plan is the pressing need to revise the community's development regulations, and to do so in a manner that makes sure those regulations work in a comprehensive, coordinated fashion. In short, Amherst needs a comprehensive development code that combines zoning, subdivision and environmental regulations with building codes and other regulations in a way that helps bring about the community's desires for its future.

Growth and development in Amherst are governed by a number of important kinds of regulations:

**Zoning** - Regulates how land is used, dividing the community into numerous different zones. In each zone, different kinds of land uses (extensive, residential, business, institutional/governmental, industrial, etc.) are either : 1) allowed by right (w/ minimal conditions), 2) allowed under either a by-right or discretionary permit that may propose conditions on sites, building design, and management, or 3) prohibited.

**Subdivision regulations** - State-enabled local regulations which govern how properties are divided and how new roads with new building lots are created.

**Environmental regulations**- State and local regulations addressing wetlands, floodplains, river protection areas, and related site drainage can control where new construction can occur, and how it can affect these resources.

**Building and health codes** - State and local regulations which control the specifics of building construction and structural integrity, handicapped accessibility, fire prevention, provision of water and sewer, etc.

**Other regulations** – Various other state or local regulations can govern curb cut access to public roads, connections to public utilities, the treatment of public shade trees, and other development issues.

In Massachusetts, state legislation and regulations provide a framework for local growth controls. Unfortunately, the elements of this framework were developed and amended at different times, operate independently of one another, and can even be contradictory. It is up to local communities to try to coordinate the different aspects of development regulation so that new development is guided in the directions the community wants it to go.

In Massachusetts, every community is required to develop and adopt a master plan but there is no state funding or enforcement to bring this about. Every community has adopted a zoning ordinance or by-law, yet there is no requirement that a town's zoning or subdivision regulations be consistent with the community's master plan, let alone state standards.

— Continued on Back

## STAFF SPOTLIGHT: DAVID ZIOMEK

David Ziomek serves Amherst as the Director of the Conservation and Development, a position that requires a tremendous amount of time and energy—perhaps a reason why Dave often carries his Big Gulp 32 oz Diet Pepsi, helping him refuel 'on the go'.

Dave, a native of Amherst, graduated from the University of Massachusetts with a Bachelor of Science in Zoology in 1985 and soon afterwards with a Masters of Educational Administration. He later earned a Masters of Environmental Administration in 1996 from Antioch College. Dave began his professional journey at UMass, as the Assistant Director of the Cooperative Education and Internship Program, a position that also enabled him to serve as the Executive Director of the Hitchcock Center for the Environment for seven years.

Dave then worked for the Museum of Science in Boston, playing an instrumental role in developing the Human Body Discovery Space as part of the Life Sciences and Natural World section. All the while Dave was honing his skills as a diplomat and deal maker, qualities he brought back to the area when he accepted a position with the Massachusetts Department of Conservation and Recreation in Montague.

Dave's worked tirelessly with the Economic Development & Industrial Corporation of Montague to help to revitalize downtown Turners Falls. His efforts to develop an ecotourism niche were successful, designing and securing approval for the Great Falls Discovery Center (a \$3.5 million project) and the Canal Railside Trail (a \$2.5 million project). These projects have been pivotal in attracting new businesses and artists to the downtown Turners Falls area.



— Continued on Back

*"To keep every cog and wheel is the first precaution of intelligent tinkering."  
- Aldo Leopold, ecologist*



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## A COMPREHENSIVE DEVELOPMENT CODE (CONTINUED FROM PAGE 3)

The Commonwealth's zoning and subdivision regulations have numerous loopholes, antiquated standards, and such confusing language that the American Planning Association has criticized Massachusetts as having some of the worst zoning (planning) statutes in the nation. When a community changes part of its zoning regulations or reconfigures a zoning district, Massachusetts allows generous "grandfathering" (vested rights) that protects a parcel of land from the new zoning standards for up to eight years. Communities often experience a rush of development applications once news spreads that a zoning change is imminent. The grandfathering of often ill-considered development proposals which results frustrates many innovative land use efforts. Amherst's subdivision regulations were written in 1979 and have received scant revision since. Other local growth regulations have been developed largely without reference to other local regulations, often in response to near-term 'emergencies', and are themselves outdated.

Subdivision regulations in Massachusetts are not much better. The Approval-Not-Required (ANR) process exempts property from subdivision regulations if it has enough frontage on a recognized way and enough lot area. ANR development is the most common form of residential development in Massachusetts, checker-boarding the landscape with low-density, automotive-dependent sprawl. Amherst first adopted zoning in 1925, and its most significant periods of amendment occurred in 1973-74 and again in 1988-2000. Except for large new resource protection districts, Amherst's zoning map has undergone little change in over 30 years.

To ensure community control over its future, Amherst's development regulations need to be updated and coordinated with one another. The development of a comprehensive code is a major task that will involve numerous Town committees and boards and their staff, and the services of consultants.

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## STAFF SPOTLIGHT : DAVID ZIOMEK (CONTINUED FROM PAGE 3)

After working for many years in the conservation land preservation field, in 2004 Dave's love of Amherst and professional conservation credentials led to his being hired to replace Pete Westover as Conservation Director. Pete Westover had worked in Amherst for 30 years and was the architect of many of the community's open space and watershed protection programs. Dave has continued and updated these programs, bolstering the protection of prime farmland, extending the town's trail network, and strengthening land conservation efforts.

As much as Dave enjoys working outside and collaborating with the many boards and committees in Amherst, he has also been working with the Town Manager to make inter-office communication more efficient in Town Hall. As the Director of Conservation and Development, Dave has worked tirelessly and diplomatically to coordinate and streamline the permitting process with the Conservation, Planning, and Building Inspections departments. The impetus to streamline the permitting and make more reference guidelines available is twofold: it will make the permitting process more transparent, and it will ultimately be more user-friendly. Citizens already have access to many web-based resources (<http://amherstma.gov>), and increasingly, anyone, especially homeowners and landowners, will be able to view checklists, guidelines and permitting timelines on the internet. The goal is to allow application forms will to be completed and submitted online. Dave likens this process to an individual securing a loan online—it saves the applicant time because the forms can be completed and submitted at home, and makes approval of the application easier in Town Hall because the forms are electronic and can be easily sent to the various departments for review. Currently, many applications have to be photocopied or scanned and then emailed to reach all those involved in the permitting process.

Dave's work is aimed at making Amherst a 'livable community', a challenging endeavor that involves finalizing the town's Open Space & Recreation Plan, integrating conservation objectives with the new Master Plan, and developing an interconnected network of open spaces and trails to help provide alternative modes of transportation. We just need to keep the Diet Pepsi flowing.

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## BOARD & STAFF NEWS

**Niels la Cour** has left the building. After a decade of outstanding work and a quick smile, Mr. la Cour accepted a position with Campus and Facilities Planning at UMass. While in Amherst, Niels was an integral member of the Planning Staff, helping Amherst create a municipal Geographic Information System (GIS), spearheading the staff support for the new Master Plan, and working passionately and effectively with the Planning Board and community. Our loss is UMass's gain.

**Carolyn Holstein** completed her tenure as a part-time temporary Zoning Assistant in early November, with the deep and enduring gratitude of the entire Planning Department. Hired in August of 2004 to help fill a gap in fulltime planning personnel, Carolyn's extensive experience in Amherst government and her knowledge of the community enabled her to provide invaluable assistance in staffing the Zoning Board of Appeals, Disability Access Advisory Committee, and others. Neither the department nor the ZBA could have survived without her help.

**Jeffery Bagg** began as Senior Planner on July 15. A native of Easthampton and the Valley, Jeff had in recent years been working for a planning and environmental consulting firm on Long Island, and had served as the Chair of a local Conservation Commission in New York State. Jeff handles the highly complex and often contentious work load of the Zoning Board of Appeals. Jeff was married in May and he and his wife Megan live in Williamsburg.

**Nathaniel Malloy** began on September 15 as the newest Associate Planner for Amherst. A recent multi-degree graduate of the UMass Department of Landscape Architecture Regional Planning, Nate had been working as the Planning Department intern since May 2007. In a field of several highly qualified candidates from across the country, Nate was the obvious choice. He was married in early December (there must be something in the water) and he and his wife Emily live in Turners Falls.

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